

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

4:18-MJ-763

KEITH BERKEBILE

JOINT MOTION TO CONTINUE TIME TO INDICT

The Defendant, Keith Berkebile, and the United States request that this Honorable Court extend the time upon which an indictment must be filed for this particular case.

- (1) The Government filed a criminal complaint against the defendant on December 12, 2018, alleging a violation of 18 U.S.C. § 2422(b), that is, using any means and facility of interstate and foreign commerce to knowingly attempt to persuade, induce and entice an individual who had not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense.
- (2) Mr. Berkebile self surrendered in the Northern District of Texas on December 21, 2018, and appeared for an initial appearance before the Honorable Jeffrey L. Cureton the same day. The defendant was released on pretrial conditions pending disposition of his case.
- (3) Under the Speedy Trial Act, 18 U.S.C. § 3161(b), an indictment must be returned on the instant charge "within thirty days from the date on which [the Defendant] was arrested or served with a summons in connection with

such charges.” This 30th day will fall on or about January 21, 2019, taking into account any excludable time, pursuant to 18 U.S.C. § 3161(h)(1)(F) and (H), and Federal Rule 45(a).

- (4) The parties request that the Court continue presentation of the Defendant's case to the Grand Jury for an additional 33 days. Both parties believe that with additional time in which to gather information about the Defendant and the circumstances surrounding the events leading to the pending case, a plea agreement may be reached, thus negating the need for an indictment.
- (5) Therefore, the granting of this continuance would be in the interest of judicial economy. Both parties further believe that a continuance would serve the ends of justice and would outweigh the interest of the public in a speedy trial. *See 18 U.S.C. § 3161(h)(8)(A).*
- (6) This request is not made in effort to unduly delay the proceedings, but rather to insure that justice is achieved. The parties both believe that a failure to grant the requested continuance would deny the parties the time necessary for effective preparation, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(8)(B)(iv).* As such, return of the indictment within the normal 30-day period could result in a miscarriage of justice. *See 18 U.S.C. § 3161(h)(8)(B)(I).*

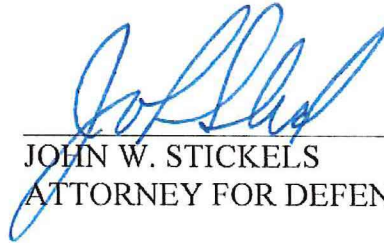
- (7) The government agrees with the defendant's request. For the foregoing reasons, the parties request that this Honorable Court continue the time upon which an indictment must be filed for an additional 33 days, until on or about February 22, 2019.

Respectfully submitted,

AGREED TO BY:



KEITH BERKEBILE  
DEFENDANT



JOHN W. STICKELS  
ATTORNEY FOR DEFENDANT



AISHA SALEEM  
ASSISTANT U.S. ATTORNEY